Final Report - Forest Practices Board

Complaint Investigation Summary
950096 FPB/IRC/05

Approval of Silviculture Prescription
for Timber Sale A48267 near Homesite Creek, Halfmoon Bay
February 1998
FPB/IRC/05

Contents

Summary

The Role of the Board in Complaint Investigations

Nature of the Investigation

Investigation Findings

A. Compliance with Code Requirements
1. Content of silviculture prescription
2. Approval by district manager
3. Accuracy and completeness of information

B. Reasonableness of the District Manager's Decisions

C. Fairness of the Approval Process

Conclusions

Appendices

1 Approved silviculture prescription, TS 48267

2 Chronology of events

Abbreviations used in this report

CDF	coastal Douglas-fir
CWH	coastal western hemlock

dry hemlock	coastal western hemlock, very dry maritime subzone (CWHxm)
MELP	Ministry of Environment, Lands and Parks
moist fir	coastal Douglas-fir, moist maritime subzone (CDFmm)
RMA	riparian management area
RMZ	resource management zone
RRZ	riparian reserve zone
SBFEP	Small Business Forest Enterprise Program
TS	timber sale

| Return to Investigation Reports | Home |

Forest Practices Board

Forest Practices Board
Final Report – Complaint 970096

Summary

In 1994, the Ministry of Forests Small Business Forest Enterprise Program (SBFEP) in the Sunshine Coast Forest District started planning to sell the right to harvest timber in a 26.8 hectare cutblock in a rural residential area near Homesite Creek on a peninsula between the communities of Secret Cove and Halfmoon Bay, approximately 20 kilometres from Sechelt.

Timber Sale A48267 was first described in the SBFEP's 1994-1998 forest development plan, and was shown in increasing detail on subsequent forest development plans for 1995-1999, 1996-2000 and 1997-2001. The timber was originally scheduled to be logged in 1996.

Many local residents opposed the sale. They expressed concern about the potential effects of clearcutting on scenic and recreational values, tourism potential, fish and wildlife habitat, sustainability of the site, viable ecosystem representation, soil erosion and stability, blowdown and fire risk, hydro line damage, water rights, cultural heritage, damage to Brooks Road, cultural heritage, and other forest values.

They also expressed concern about an absence of information for the public about the cutblock approval process and the site's biogeoclimatic classification, and argued that the forest development plan and silviculture prescription did not provide for adequate protection of biodiversity. Finally, some residents said they had been led to believe, by government officials, that the area was already a park or would be protected from timber harvesting.

After responding to these concerns, the district manager approved the silviculture prescription in April 1997 and awarded the timber sale to a local contractor in May.

Nature and Scope of the Investigation

In March 1997, a property owner who lived approximately 100 metres from the proposed cutblock complained to the Forest Practices Board. Her complaint stated:

- that the biogeoclimatic subzone was incorrectly classified in the silviculture prescription and that such a misclassification could result in environmental damage due to approval of inappropriate forest management and resource use activities;
- that the silviculture prescription did not comply with requirements of the Forest Practices Code, as streams and wetlands were not mapped and forest cover types were misclassified;
- that the silviculture prescription did not provide adequate protection for recreational features on or near the cutblock; and
- that the district manager did not have the authority to award a timber sale before an approved silviculture prescription and logging plan were in place, and in opposition to community concerns and historical promises of ministry officials and local elected officials.

During its investigation, the Board examined each of these issues except the question of promises made by past officials. As this was not a matter covered by the Code, the Board did not have jurisdiction to investigate it.

The Board's investigation included interviews with the complainant, forestry consultants and the Sunshine Coast Forest District staff, a review of district files, and three field visits to the sale area to determine the correct ecosystem classification and examine streams and wetlands on the site. In concluding its investigation, the Board considered whether the silviculture prescription met the content requirements of the Forest Practices Code, whether the decision to approve it was reasonable, and whether the process of approving the silviculture prescription was fair.

Compliance with Code Requirements

Biogeoclimatic ecosystem classification. Section 39(2)(d) of the Operational Planning Regulation requires a silviculture prescription to contain a description of the biogeoclimatic ecosystem classification. The timber sale area is located at an altitude near the boundary between two subzones: the lower elevation coastal Douglas-fir, moist maritime subzone (CDFmm) and the higher elevation coastal western hemlock very dry maritime subzone (CWHxm). Although the coastal Douglas-fir subzone has become relatively rare, the Code does not restrict timber harvesting within it. The site management requirements during and after harvesting are almost identical for the two subzones.

Ministry of Forests staff had initially classified the site as CDFmm, but the approved silviculture prescription showed it to be CWHxm. The complainant maintains that the former classification was correct. Relying on the standard field guide to site identification and interpretation for the region, which describes the characteristic vegetation for each subzone, the Board concludes that the site is a complex transitional mosaic having indicators of both subzones, and is best described as CWHxm. The accuracy of this conclusion has been confirmed by an independent expert in site classification.

Stream and wetland identification and protection. Section 39(3) of the Operational Planning Regulation requires a description and classification of streams and wetlands and designation of protective zones for each. The Board concludes that two watercourses identified by the complainant are not streams for Code purposes, as they have neither sediment beds nor continuous and definable channels and banks. Similarly, those wetlands identified by the complainant as not having been described in the silviculture prescription could not be defined as wetlands for Code purposes, as they are considerably less than half a hectare in size and lack detectable boundaries. The four streams and three wetlands identified in the silviculture prescription each received either the minimum or greater than the minimum protection required by the Operational Planning Regulation.

Forest inventory. The complainant maintains that the silviculture prescription is deficient in its description of forest inventory because it underrepresented the presence of grand fir on the site and provided no indication of forest cover types on adjacent land. Section 39(2) of the Operational Planning Regulation requires a description of existing stand structure for some silviculture systems, but makes no such requirement for even-aged systems such as clearcutting, presumably because no particular stand structures are likely to be preserved. Nor does the regulation require a description of timber resources on adjacent lands.

Recreational features. Section 38 of the Operational Planning Regulation requires a silviculture prescription to describe any action required to achieve known landscape objectives. In this case, the prescription notes the presence adjacent to the proposed cutblock of a trail to a waterfall on Homesite Creek. The prescription provides for protection of the trail and its scenic views with a riparian reserve zone wider than Code requirements, together with a variable width wildlife tree patch. Thus, the silviculture prescription accurately provides all information required by the Code about known recreational values.

The Board concludes that the silviculture prescription complied with Code requirements.

Reasonableness of the Decision to Approve the Silviculture Prescription

The Board finds that it was reasonable for the district manager to approve the silviculture prescription. He had determined that it met Code requirements and had heard and addressed public concerns.

Contrary to the complainant's suggestion, there is no Code requirement that approval of a silviculture prescription must precede the awarding of a timber sale, which does not in itself authorize road construction or harvesting. In any case, the Homesite Creek sale was awarded after the prescription was approved.

Fairness of the Decision-making Process

Prior to making a decision under the Code, a district manager must ensure not only that specific Code requirements are met but also that the concerns of those affected by the decision are heard. The principles of administrative fairness require that such persons have an adequate opportunity to make their views known and have their concerns considered in an unbiased manner. The views and knowledge of the affected public are also important in providing district managers with the information needed to ensure that the non-timber objectives of the Code are met.

The complainant maintains that the local community was not adequately notified of harvesting plans for TS A48267 and was not given an adequate opportunity to have their concerns heard and addressed. The Board finds that sufficient notification had been provided and that staff of the Sunshine Coast Forest District had considerable communication with local residents, including the complainant. In response to public comments, staff made considerable changes to cutblock boundaries, roads, leave areas, and wetland protection measures. Reported historical promises that the sale area was already parkland or would be protected from harvesting were not confirmed. The area is designated provincial forest under the *Forest Act*, which provides that one of the acceptable uses of provincial forest lands is timber harvesting.

The Board concludes that the silviculture prescription complied with Code requirements, that the district manager's decision to approve the prescription was reasonable, and that the process of preparing and approving the prescription was adequate under the circumstances and generally fair. Having reached these conclusions, the Board finds the complaint to be not substantiated.

Lack of Public Confidence in and Confusion about Planning Processes

Although the Board concludes that the process leading to the approval of the silviculture prescription was generally fair, it is concerned about an evident lack of public confidence in forestry planning processes in the Sunshine Coast. In addition, there appears to be significant public confusion about the difference between land use planning and forestry planning and about the role of local government in land use planning. This confusion, which may have resulted in part from a reference in the regional district's official community plan to proposed acquisition of land along the trail to the Homesite Creek waterfall, exacerbated perceptions of unfair treatment and hampered communication about the silviculture prescription's treatment of non-timber values.

The Board believes that, when operational planning is scheduled for any rural residential area, forest district managers need to take proactive measures to inform local governments and interest groups of forthcoming plans likely to affect them, ensure a clear public understanding of land use planning processes and the decisions that result from them, and encourage community participation in operational planning. They should also be aware of and sensitive to local planning initiatives. For that reason, the government needs to ensure that there is clear policy direction to forest districts regarding communication with local governments, consideration of official community plans, and ensuring public understanding of land use planning responsibilities.

In the case of Homesite Creek, better communication between provincial agencies, local government, resource interest groups and residents is essential if tensions in the community are to be reduced.

The Role of the Board in Complaint Investigations

The Forest Practices Board is an independent government agency that reports and makes recommendations on compliance with and enforcement of the Forest Practices Code and the manner in which its intent is being achieved. The Code came into effect in June 1995 and includes legislation--the *Forest Practices Code of British Columbia Act* (the Act) and its regulations--and a series of guidebooks that provide assistance in interpreting and complying with the legislative requirements. Responsibility for the administration of the Code lies with three ministers—Forests; Environment, Lands and Parks; and Employment and Investment. The Board reports its findings to the three ministers as well as to the public.

One of the Board's tasks is to investigate complaints from the public about matters relating to operational planning, forestry practices and protection and government enforcement of the Code. On completion of an investigation, the Board must report its conclusions and may make recommendations. This is the Board's final report on its investigation of complaint 970096 regarding the approval of the silviculture prescription for Timber Sale A48267 at Homesite Creek near Halfmoon Bay in the Sunshine Coast Forest District.

Nature of the Investigation

From 1994 to 1997, the Ministry of Forests developed a timber sale (A48267) under the Small Business Forest Enterprise Program (SBFEP) involving a 26.8-hectare area in a rural residential area near Sechelt. Local residents expressed concern about the potential effects of clearcutting on scenic and recreational values, tourism potential, fish and wildlife habitat, sustainability of the site, viable ecosystem representation, soil erosion and stability, blowdown and fire risk, hydro line damage, water rights, cultural heritage, damage to Brooks Road, cultural heritage, and other forest values. They also expressed concern about an absence of information for the public about the cutblock approval process and the site's biogeoclimatic classification, and argued that the forest development plan and silviculture prescription did not provide for adequate protection of biodiversity.

The complainant is a property owner whose house is about 100 metres from the southwestern corner of the timber sale area. She wants the area retained as old-growth coastal Douglas-fir forest. She told the Board that, based on comments by various regional and provincial government officials, she had believed for some 25 years that about 150 hectares of forest land, including some 30 hectares beside her property, would be protected from harvesting. Although consideration had been given at one time to creating a park in the general area, the site was never formally protected; it remained in the provincial forest and available for use as a managed forest, including timber harvesting.

Her complaint states:

> a) that the district manager did not have the authority to award a timber sale before an approved silviculture prescription and logging plan were in place, and in opposition to community concerns and historical promises of ministry officials and local elected officials;
>
> b) that the biogeoclimatic subzone was incorrectly classified in the silviculture prescription and that such a misclassification could result in environmental damage due to approval of inappropriate forest management and resource use activities;
>
> c) that the silviculture prescription did not comply with requirements of the Code, as streams and wetlands were not mapped and forest cover types were misclassified; and
>
> d) that the silviculture prescription did not provide adequate protection for recreational features on or near the block.

The complainant asked the Board

i. to recommend that the timber sale award be held in abeyance until the silviculture prescription identified all streams and incorporated the Ministry of Forests' published biodiversity guidelines; and
ii. to ensure that the silviculture prescription contained all information required by the *Forest Practices Code of British Columbia Act* and Operational Planning Regulation.

The Board investigated each of the complainant's concerns except the concern about past assurances that the area would not be logged. This was beyond the jurisdiction of the Board to investigate as it was not related to the Code.

The investigation included four visits (three in the field and one to the district office) in addition to a series of telephone interviews and other communications with the complainant, district staff and consultant foresters.

Figure 1. Location of complaint 970096.

Investigation Findings

A. Compliance with Code Requirements

The complainant maintains that the approved silviculture prescription for TS A48267 (see Appendix 1) does not comply with the legal requirements of the *Forest Practices Code of British Columbia Act* (the Act) and the Operational Planning Regulation. More specifically, the complaint states that the plan is deficient in the following ways:

1. The classification is incorrect; the site, although transitional, should be identified as a moist Douglas-fir (CDFmm) site, not a dry western hemlock (CWHxm) site.
2. The forest inventory is inaccurate; stem count and volume estimates are widely different, under-representing the grand fir component.
3. Two streams and several small wetlands are not identified.
4. Cutblocks will encroach into a riparian reserve area on a wetland.
5. An existing access road will require major upgrading within a riparian reserve zone (RRZ) along a creek; approval from a designated environment official is required.
6. Forest cover types of adjacent land are not identified.
7. Recreational features are not adequately protected.

Staff of the Sunshine Coast Forest District responded to each of these points as follows:

1. The classification is correct; the site is transitional, but more properly classified as dry western hemlock than moist Douglas-fir.
2. The forest inventory is accurate, with grand fir primarily present as large trees (producing low stem counts but higher volume).
3. The two streams were identified. However, one is protected within a riparian wetland reserve and the other is too small and ephemeral to constitute a stream for the purposes of the Code. As for wetlands, all that are large enough to classify were identified. Additionally, one small wetland identified by the complainant was afforded some protection.
4. The cutblocks will encroach into the riparian management zone (RMZ), but not the RRZ, on one wetland. This layout is allowable under the Code.
5. Designated environment official approval will be sought for the access road upgrade, if required by the Code.

6. Adjacent forest types are identified on forest development plans; there is no requirement that they be identified on silviculture prescriptions as well.
7. The silviculture plan places high significance on and requires special management for Homesite Creek waterfall and the trail leading to it.

The legal requirements for content and approval of the silviculture prescription are set partly by the Act itself, but primarily in the Operational Planning Regulation. Therefore, the investigation initially involved a general assessment of compliance of the approved silviculture prescription with the requirements of the Act and the regulations. Then the specific concerns raised by the complainant were examined.

Forest Practices Board

1. Content of silviculture prescription

Section 12 of the Act requires that a silviculture prescription describe the proposed silvicultural system, harvesting method and silviculture treatments (site preparation or stand-tending methods), any limits to soil disturbance, and any matters set out in the regulations. The approved prescription specifies clearcutting as the silvicultural system, and designates cable harvesting as the logging method for most of the area, with some ground-based harvesting. Logging debris dispersal, removal of diseased trees and optional brushing and thinning are specified as silviculture treatments. Limits to soil disturbance are identified; a maximum of 11.1% of the area is planned to be disturbed by having mineral soil exposed and moved, with more than half of that (6.1%) to be rehabilitated. The recommended limit to allowable soil disturbance for the coast under the Code (Appendix 10 of the *Soil Conservation Surveys Guidebook*) is 5% of the net area to be reforested. After rehabilitation, exactly 5% is planned to be left disturbed. Thus, the content of the prescription complies with the specific requirements of section 12.

Under section 12(b) of the Act, such prescriptions must be consistent with the forest development plan in effect at the date of approval. As indicated in the chronology of events (see Appendix 2), TS A48267 was referred to in the forest development plans for 1994-1998, 1995-1999 and 1996-2000, and in the draft forest development plan for 1997-2001. The forest development plan in effect on the date the silviculture prescription was approved (April 27, 1997) was the 1996-2000 forest development plan, which had been approved on October 28, 1996. The Board did not investigate whether or not there was consistency between the forest development plan and silviculture prescription, as the issue was not raised by the complainant.

Section 22 of the Act requires that the district manager prepare the silviculture prescriptions for areas to be harvested under the Small Business Forest Enterprise Program. He complied with this provision by having a forestry consultant prepare the prescription on contract under the direction of district staff.

Section 40 of the Act states that a district manager can only give effect to an operational plan (including a silviculture prescription) prepared by a district manager if the plan meets the requirements of the Act and regulations. While the silviculture prescription clearly complies with the requirements of the Act (assuming consistency with forest development plans), the Operational Planning Regulation imposes additional requirements.

Section 38 of the Operational Planning Regulation requires that the prescription be consistent with the silvicultural system selected. Clearcutting was selected for TS A48267. An even-aged stand is proposed and is consistent with clear-cut harvesting, although the current forest is not even-aged. Section 38 goes on to state that the prescription must provide that ecologically suitable species will re-establish on the site, specify requirements for a free-growing stand and set a free-growing assessment period. Here, too, there appears to be compliance. The stand level objectives in the prescription are to produce an even-aged stand of Douglas-fir, western red cedar and western hemlock; as these are the three dominant species on the cutblock at present, it follows that they are ecologically suitable. Under "stocking requirements", at page 10 of the prescription, schedules are set out for dates of regeneration (three years after harvest), estimated years (8-11) to free-growing status, and expected density of seedlings and trees

per hectare. Preferred and acceptable species are described, by three site types, in the cutblock. The appropriate choice of species depends on the site classification and is discussed below.

Section 38 also requires that a silviculture prescription demonstrate that protection of the soil will be facilitated. Within the overall area, there are areas of moderate slopes and moderately deep soils. There are also steep areas with thin soils and rock bluffs. The steepest and driest areas were allocated in the silviculture prescription to a wildlife tree patch that almost spans the north half of the block. There is no forest harvesting or road building proposed for such sensitive soils areas.

At page 6, the prescription states that there are no gullies within the cutblock itself. Slash-loading is expected to be moderate, and debris is to be dispersed rather than burned (except for accumulation sites like roadsides and landings). Avoidance of broadcast burning would minimize soil disturbance. Most of the cutblock is to be logged by overhead cable (page 8), which would again tend to minimize soil disturbance. Site sensitivity generally is recorded as low for soil degradation processes such as sediment transport, landslides, slumping and soil compaction. Where ground-disturbing machinery is to be used (Unit D is a "hoechuck" area, rather than a cable logging unit), only one pass of the machinery is proposed and all temporary access is to be rehabilitated (such rehabilitation involves removal of drainage structures and re-establishment of pre-harvesting drainage patterns, ripping of any compacted areas and planting if required). The Board concluded that these provisions resulted in compliance with the soil protection requirements of section 38.

Section 39 of the regulation adds further content requirements for silviculture prescriptions.

Under section 39(2)(e), the area from which the timber is to be harvested must be indicated on a map. That was done in the approved prescription.

Section 39(2)(g) requires a reasonable evaluation of forest health factors. Hemlock mistletoe is noted at page 7 of the prescription to occur in scattered areas, but the expected risk to regenerated hemlock is expected to be low because infected trees are to be harvested.

Section 39(2)(h) requires a description of the silvicultural system to be used, and clearcutting is specified in the prescription. The species and function of any trees left must be described. At least two mature trees identified on the plan map as "wildlife trees" and other potential retainable trees had been marked in the field (subject to confirmation of safety by the Workers' Compensation Board). The prescription also refers at page 3 to retention of Douglas-fir and grand fir veterans that will be identified in the cutblock. At page 9, the prescription provides that scattered immature Douglas-fir, cedar and hemlock trees (3-4 m. in height) would be left standing.

Rotation age must be specified; it is, as 90-110 years (page 9). Descriptions of areas to be reforested, total area, area to be disturbed temporarily and permanently, site rehabilitation actions, fire hazard precautions and sediment transport risk are all required by the regulation, and all are included in the silviculture prescription for TS A48267.

Section 39(2)(m) requires that the prescription describe the method of harvesting or mechanized silviculture treatments and any seasonal site conditions or constraints that would limit the timing of operations. As the block is located in coastal forest, seasonal constraints may be expected, depending on soil stability. At page 8, the silviculture prescription states that no seasonal constraints are considered to be required. Given that most of the area is to be logged by overhead cable (producing little mineral soil disturbance), it may be that operations could proceed in the wet season. The silviculture prescription complied with section 39(2)(m) of the regulation, as the district manager used his discretion to

determine that no seasonal constraints were necessary.

The prescription must, under section 39(3)(a), also describe the location of known resource features, including recreation features. The block is adjacent to a trail that leads to a recreation site outside the block—a waterfall on Homesite Creek. Recreation trails can be formally designated under section 6 of the Act. Designated trails or sites have explicit objectives that are met through conditions on operational plans and licences. As the trail adjacent to the block has not been designated, it qualifies only as a "recreation feature", defined in the Code as "a biological, physical, cultural or historic feature that has recreational significance or value".

There are no legal constraints, such as a requirement for alternative silvicultural systems, to protect undesignated recreation features. However, the *Silviculture Practices Guidebook* suggests that a silviculture prescription should record:

- any adjacent resource features (including recreation sites and trails);
- the significance of each feature (very high, high, moderate or low);
- whether the feature requires unique, special or normal forest management;
- the type of recreational opportunity (primitive, semi-primitive non-motorized, semi-private motorized, road resource land or rural roaded); and
- actions that are to be taken to meet the recreation objective and protect, conserve or minimize the impact on recreation features.

The silviculture prescription for TS A48267 does not locate or describe the trail and nearby Homesite Creek waterfall in detail, but does (at page 5, section C.5.j) deal with those recreational features as recommended by the guidebook; it refers to the trail and the waterfall (as UREP #900-0383), assigns them high significance, requires special management (by consulting with forest district recreation staff prior to any development), notes the urban/rural recreation opportunity, and explains that the reserve areas (50 m riparian reserve zone along Homesite Creek plus a variable-width wildlife tree patch) will protect the recreational features and allow normal forest practices to be carried out. Thus, the prescription did more than the legal minimum required by section 38 by describing the nearby recreation features and the actions to be taken to protect them.

This conclusion is corroborated by correspondence from the district recreation officer who, in commenting on the 1996 forest development plan, indicated that there were "no concerns" regarding recreation impacts for the area. That comment indicates that the recreation officer considered that normal forest practices (including reserves during block design) would be adequate to mitigate impacts on recreational features in the area.

In conclusion, the Board found that the silviculture prescription for TS A48267 includes the information required by the Act and regulations.

Finding #1.
The approved silviculture prescription for TS A48267 includes the information required by the *Forest Practices Code of British Columbia Act* and regulations.

2. Approval by district manager

The Board then considered the question of whether compliance of the silviculture prescription with the content requirements of the Code was sufficient to justify approval of the prescription, or whether

additional factors need to be taken into consideration.

The criteria for approval of a silviculture prescription prepared by the district manager under the SBFEP are described in section 40(1) of the Act:

> 40. (1) The district manager may only give effect to an operational plan … prepared by the district manager if the plan or amendment meets the requirements of this Act, the regulations and the standards.

This wording is different from that of section 41, a parallel section concerning approval of operational plans prepared by licensees for non-SBFEP sales. Section 41(1) states:

> 41. (1) The district manager must approve an operational plan … if
>
> > (a) the plan … was prepared and submitted in accordance with this Act, the regulations and the standards, and
> >
> > (b) the district manager is satisfied that the plan or amendment will adequately manage and conserve the forest resources of the area to which it applies.

Section 41 emphasizes the district manager's responsibility to conserve forest resources (as defined in section 1 of the Act) when approving plans prepared by agreement holders. There is no similar language in section 40 for approval of operational plans prepared by the district manager. Nevertheless, the Board has previously recommended that plans prepared by government should meet the same standards required for plans prepared by agreement holders, particularly when the district manager both prepares and approves the SBFEP plans. Therefore, the Board concludes that the district manager should have required that the silviculture prescription adequately address not only the requirements of the Act and regulations (which the prescription for TS A48267 did), but also whether the prescription would adequately conserve forest resources.

As described previously, the district manager appears to have considered the impact of the forest practices in the block on known landscape objectives and recreational features, going beyond the Code requirements and following the recommendations contained in the guidebooks. The plan addresses known soil protection concerns, forest health factors, silvicultural systems, reforestation, site rehabilitation, fire hazard precautions and sediment transport regulation. The district manager stated in a note to file and the Board concluded, that in his approval of the silviculture prescription he had followed the criteria described in both section 40(1) and section 41(1).

Finding #2.
The district manager's approval of the silviculture prescription complied with sections 40 and 41 of the Act.

3. Accuracy and completeness of information

Although the investigation showed that the silviculture prescription complied with the general requirements of the Code, the complainant noted specific deficiencies in the information contained in the prescription: (1) incorrect site classification; (2) failure to identify some smaller wetlands and streams and to protect the reserve areas of others from encroachment; and (3) an inaccurate and incomplete description of forest inventory, with grand fir being under-represented and no indication of

the forest cover types on adjacent land.

a. Biogeoclimatic ecosystem classification

Section 39(2)(d) of the Operational Planning Regulation requires a description of the biogeoclimatic ecosystem classification, so a serious error in classification would contravene the regulations.

A brief 1994 reconnaissance by SBFEP staff tentatively identified the site as coastal Douglas-fir, moist maritime subzone (CDFmm--referred to in this report as "moist fir" for simplicity). The first draft silviculture prescription, in December 1995, identified the site as coastal western hemlock, very wet maritime (CWHvm1--"wet hemlock" for this report). Ultimately, the approved prescription classifies the area as a different subzone of coastal western hemlock--very dry maritime (CWHxm—"dry hemlock"). District staff and the complainant agreed that the wet hemlock classification was clearly incorrect. The dispute was whether the site should be classified as moist fir or dry hemlock.

Two sub-issues arise. First, which biogeoclimatic unit best describes the site? Second, if the district classification is incorrect, might the error result in improper management prescriptions being applied? For example, if both moist fir and dry hemlock units are amenable to identical management practices, there would be no detrimental effect on the forest resource values from a misclassification of moist fir sites as dry hemlock.

Classification is carried out according to a 1994 field handbook issued by the Ministry of Forests, Research Branch, called "A Field Guide to Site Identification and Interpretation for the Vancouver Forest Region". The guide sets out how to describe forest sites and also provides interpretation for site-specific management guidance.

The first step in identifying biogeoclimatic units is an examination of a map showing the general location of the subzones. The map for the area of TS A48267 indicates that the cutblock is near the boundary between the moist fir and dry hemlock units, with the former being situated closer to the ocean (up to elevations of about 150 m) and the latter immediately above.

The field guide includes descriptive sections summarizing characteristic vegetation in the tree, shrub, herb and moss layers of each subzone. Both the moist fir and dry hemlock share such species as Douglas-fir, western cedar, salal, Oregon grape and Oregon beaked moss. The moist fir sites include other species not generally prevalent on the dry hemlock sites, such as grand fir, ocean spray and baldhip rose. Conversely, the dry hemlock sites have species that are scarce in the moist fir sites, such as hemlock, red huckleberry, step moss and sword and bracken fern. The field guide suggests using the following attributes to distinguish generally between moist fir and dry hemlock, the two disputed classifications:

1. Hemlock is common on the dry hemlock, rare on the moist fir.
2. Grand fir, dogwood and snowberry are scarce on dry hemlock, common on the moist fir.
3. Arbutus is present on both, but occurs in lower density on the drier pockets in the dry hemlock.

The site was walked thoroughly by a Board investigator with district staff and the complainant on May 21, 1997, crossing the area four times during a 5-6 km. route. It was re-examined on September 15, 1997, by another Board investigator with consulting foresters who made the classification for the approved silviculture prescription. Some uncertainty remained, and the site was re-examined on January 23, 1998, by a Board investigator and a site classification expert in order to arrive at a conclusive determination. This examination established that western hemlock was prominent in both the canopy

and subcanopy and that no advance regeneration of Douglas-fir had occurred in the canopy gaps. Considerable lanky moss and flat moss were observed, but there was little cat's-tail moss.

The Board concludes that the cutblock is a complex transitional mosaic but that, overall, the site is most accurately classified as very dry maritime hemlock (CWHxm1). Thus, the site classification in the silviculture prescription was confirmed to be correct.

Finding #3.
The site is a complex transitional mosaic with both moist Douglas-fir (CDFmm) and dry western hemlock (CWHxm) indicators, but the overall site classification is CWHxm (dry hemlock), as described in the approved silviculture prescription.

Although the complainant's assertion on site classification is not correct, the complexity of the site made classification difficult. Site classification involves art as well as science, so that even foresters who are very experienced in site classification may differ in their conclusions as to classification. If the site had been moist fir, it would have acquired some additional significance in public opinion due to its relative scarcity. The moist fir biogeoclimatic unit is restricted to low elevations along southeastern Vancouver Island (Bowser to Victoria), the Gulf Islands south of Cortes Island and a narrow strip along the Sunshine Coast near the area of the complaint. As moist Douglas-fir has not been designated as a rare ecosystem requiring protection, there is no formal obligation on the Ministry of Forests to restrict harvesting. Nevertheless, the scarcity of the type has led to increased public concern about site protection.

Despite the limited distribution of moist fir sites, there would have been no practical difference in proper post-harvesting forest management even if the correct classification had been moist fir. The field guide provides recommended tree species for reforestation on a range of moisture and nutrient regimes for each subzone. There is almost no difference in the recommended species for the two subzones. Douglas-fir is the species of choice for six of eight regimes in the moist fir and for five of eight regimes of the dry hemlock; red cedar is a secondary recommendation for six of eight in moist fir and seven of eight in dry hemlock. Grand fir is recommended for the richer regimes in both sites. Apart from species propagation, the only difference in the management of the two subzones is in brush treatment, as brush creates a slightly greater hazard in the regeneration of hemlock sites.

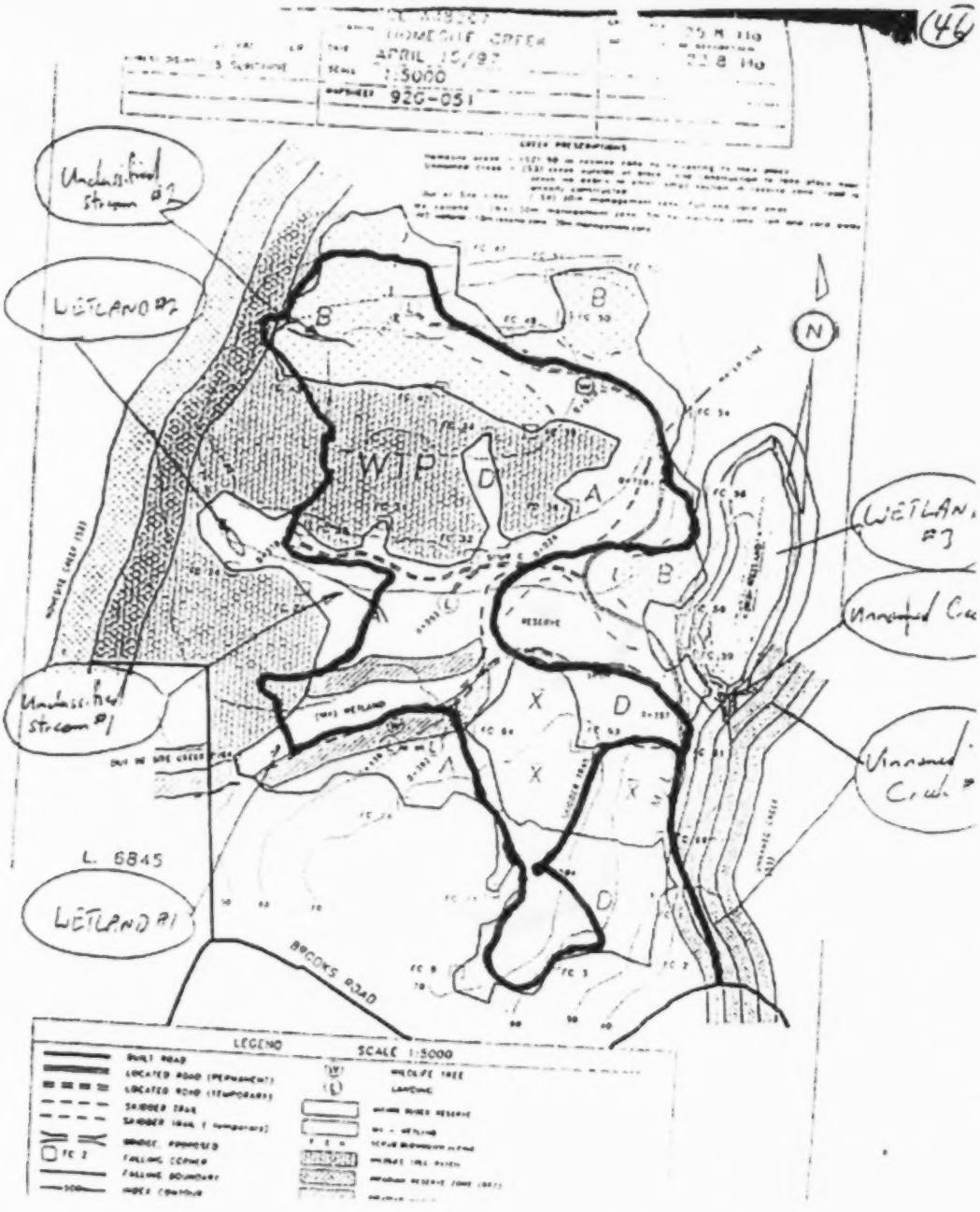
There is a slight difference in the productivity and resultant vigour of competing vegetation, but only on the richest sites; there is slightly more potential for "very high severity" of competing vegetation on the richer moist fir sites than on the comparable dry hemlock.

Sensitivity to treatments such as slashburning and ground-based harvesting methods depends not on the site subzone but on factors such as soil moisture and depth and slope. Most of the cutblock (apart from the steep, thin-soiled bluffs in the wildlife tree patch areas) appears to share similar low to moderate sensitivity, regardless of site type, because the areas within the cutblock appear to have moderate slopes and moderately deep soils.

Figure 2. Field investigation route, May 21, 1997

Finding #4.
The recommended post-harvesting prescriptions for forest management on the proposed cutblock are almost identical regardless of whether the site is classified as moist coastal Douglas-fir or dry coastal western hemlock.

TOC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b. Riparian identification and protection

The complainant asserts that some smaller wetlands and streams were not identified and that the riparian management areas of others would be encroached upon. Such deficiencies would contravene section 39 (3) of the Operation Planning Regulation, which requires a description of the location of streams, wetlands and wildlife reserves and also the classification of, and designation of protective zones around, every stream and wetland.

Riparian areas occur next to the banks of streams, lakes and wetlands and include both the area dominated by continuous high moisture content and the adjacent upland vegetation that exerts an influence on it. Riparian ecosystems are given particular protection under the Code through the designation of "riparian management areas" (RMAs). An RMA consists of a "riparian management zone" (RMZ) with potential constraints on forest practices and, where required by regulation, a "riparian reserve zone" (RRZ) with no, or very limited, forest practices. The width of each of these zones, determined by attributes of streams, wetlands or lakes and the adjacent terrestrial ecosystems, is specified in the Operational Planning Regulation.

Stream identification

During the field inspection (see Figure 2), the complainant pointed out two streams that were not identified in the silviculture prescription. One is north of, and draining into, an unnamed wetland in the centre of the cutblock; the other is near the northern boundary of the cutblock, draining into Homesite Creek. Both streams are very small. Ministry staff, after examining those areas on March 18, 1997, concluded that the small streams were simply ground-water runoff, having no defined banks and almost no exposed silt bottoms.

To determine whether failure to identify the streams is a breach of Code requirements, it is necessary to consider what constitutes a stream for Code purposes. The complainant argues that any flowing water should qualify, whereas the ministry adhered to the statutory requirement for defined banks on streams. Section 1 of the Operational Planning Regulation defines a stream as "a watercourse, having an alluvial sediment bed, formed when water flows on a perennial or intermittent basis between continuous definable banks". For Code purposes, then, a stream must normally exhibit an alluvial sediment bed, which would include a bed of materials that have been deposited by moving water, and definable, although not necessarily 100% continuous banks. The size of the watercourse is not a consideration; however, it must flow either throughout the year or intermittently during the year.

There were neither sediments nor a detectable channel apparent to the investigator on "Unclassified Stream #1" during the field investigation; it appeared to be intermittent overflow seepage from Wetland #2. There was sporadic exposure of a sediment bed observed on "Unclassified Stream #2", but streambanks and the channel were neither continual nor readily definable in the opinion of the Board's investigator. Thus, the Board concludes that these small watercourses were not "streams" for purposes of the Code.

Wetland identification

The complainant also pointed out pockets of sedges in many locations around the cutblock, which indicated water at or near the surface for much of the year. Those sedges indicated wetlands that, in the complainant's view, warrants protection by designation of riparian areas. During their inspection on March 18, 1997, ministry staff concluded that there were many small wetlands (less than .01 ha or 100 m^2) wetlands and sedge pockets around the cutblock, but all were considered "too small to identify".

The complainant argues that any area with vegetation reflecting seasonal saturation of the soil should qualify as a wetland for Code purposes; the ministry, however, appears to require a threshold size for wetlands.

An appendix to the *Channel Assessment Procedure Guidebook* lists seven types of wetland:

1. Shallow open water--ponds and sloughs, less than 2 m deep.
2. Marsh--free-standing water with emergent vegetation or waterlogged all summer.
3. Fen--a wetland with groundwater and runoff water flow-through.
4. Swamp--forested wetland that is periodically flooded. Usually submerged, but dry at times.
5. Shrub-carr--shrub-dominated wetland, often saturated but rarely flooded with standing water.
6. Wet meadow--herb-dominated wetland that is rarely flooded with standing water.
7. Bog--a peat accumulation that has grown above the local water table.

The wetlands identified on the silviculture prescription appear to be swamp and marsh wetlands. The smaller sedge pockets of concern to the complainant appear to be wet meadow types. Thus, they are classifiable as wetlands under the guidebook definitions. In addition, the Operational Planning Regulation defines wetland as a swamp, marsh or other similar area that has distinct vegetation from adjacent upland areas. Thus, the sedge pockets fit within the Code's definition of wetland.

Is there also a threshold size requirement before a wetland must have RMAs delineated? This is not clearly specified in the Act or regulations, but is strongly implied as being more than 0.5 ha. (500 square metres). That is the smallest applicable wetland for which a classification is provided in section 74(d)(ii) of the Operational Planning Regulation for the coastal Douglas-fir and coastal western hemlock very dry maritime subzones at issue in the complaint. The *Riparian Management Area Guidebook* discusses problems encountered with wetlands smaller than 0.5 ha. The outer edges of wetlands are often treed, so it would not be possible to determine the location or area of smaller wetlands directly from forest inventory maps. The *Riparian Management Area Guidebook* sets out an alternative means to detect wetland boundaries: searching 1:20,000 scale aerial photographs for pockets where forest canopy closure is less than 15% (i.e., where more than 85% of the ground can be seen from the air).

In summary, a wetland must normally be more than 0.5 ha. in area for Code classification purposes (for the sites encountered here). If smaller wetlands are to be considered, they should have boundaries that are detectable without extensive on-site investigation (e.g., detectable from the air as having less than 15% crown closure).

Although only a sampling of sedge pockets was observed during the field investigation, the wetlands were all considerably smaller than 0.5 ha. Given the dispersed nature of the small wetlands of concern to the complainant, the investigator concluded that wetlands such as the sedge areas, which did not show from aerial photos (as having less than 15% crown closure) would not practically be detectable. All wetlands that were identified on the silviculture prescription showed greater than 15% crown closure, except the small wetland at the head of Spur C ("Wetland #2"). The Spur C wetland was identified on

the ground by the complainant and had been incorporated into the silviculture prescription. Thus, the Board found that all wetlands requiring classification had been identified on the silviculture prescription.

Finding #6.
The approved silviculture prescription adequately identified all wetlands that warranted Code protection and also identified another wetland that was too small to receive classification under the Code.

Stream and wetland protection

Given that the silviculture prescription adequately identified the streams and wetlands on the cutblock, were the required RMAs applied? Generally, the stand level objectives in the prescription (page 2) include the maintenance of water quality in Homesite Creek by "preserving the integrity of streams and other watercourses within the cutblock". More specifically, under Sensitive Areas at page 3, the prescription identifies three wetlands and four streams.

The classification of each stream (S1-S6) and wetland (W1-W5) determines the attributes of the RMA required. Section 72 of the Operational Planning Regulation sets the classification regime for riparian areas adjacent to streams. (Since no fisheries inventory was conducted, the person who prepared the prescription assumed fish presence in all water bodies for TS A48267.) Section 72 sets out four "fish stream" classifications, dependent on stream width, from S4 for small (less than 1.5 m. wide) to S1 for large (wider than 20 m.) streams.

Once a riparian class has been identified, the Operational Planning Regulation sets out widths of areas adjacent to streams to be designated as RMAs (including RMZs and RRZs). For stream classes S1 to S3, RMAs must include an RRZ within which most road building and timber harvesting is prohibited; in class S4, RRZs are not required. In each of the four classes, the RMA also contains an RMZ in which timber harvesting may occur. The Act and regulations place no specific constraints on practices within the RMZ; determination of what constraints are required in any RMZ is at the discretion of the district manager. However, the *Riparian Management Area Guidebook* provides recommended practices to maintain the general integrity of the RMZ while harvesting most of the merchantable trees, including:

- machine-free zones on sensitive soils;
- special road and stream crossing construction;
- falling and yarding trees away from or parallel to streams;
- leaving individual trees for wildlife habitat or windfirmness;
- selective, rather than broadcast, brush control; and
- retention of, and avoidance of damage to, non-merchantable trees.

The silviculture prescription for TS A48267 identified one S2, two S3 and one S4 streams. Section 73 of the Operational Planning Regulation specifies the minimum RRZs and RMZs to be set as RMAs for each class of stream. Prescribed minimum widths are:

- for S2, a 30 m. RRZ and 20 m. RMZ for a 50 m. RMA.;
- for S3, a 20 m. RRZ and 20 m. RMZ for a 40 m.RMA;
- for S4, a 0 m. RRZ and 30 m.RMZ for a 30 M. RMA.

The silviculture prescription for TS A48267 specifies a machine-free zone, falling and yarding away from streams and wetlands and the retention of non-merchantable trees within various RMZs in the RMAs. Specifically, the following riparian protection regimes are specified for each stream:

1. Out-of-Site Creek at the southwestern corner of the cutblock, draining Wetland #1. Only the upper 20 m. or so of this creek is actually in the cutblock. It was classified as S4, given a 25 m. RMZ plus a 5 m. machine-free zone on the south side and protected entirely by a wildlife tree patch more than 100 m. wide on the north side.
2. Unnamed Creek #1 at the east side of the cutblock, draining Wetland #3. This short stream was classified as S3. None of this creek is actually in the cutblock. This stream was given a 10 m. RRZ plus a 20 m. RMZ through overlap with RMAs surrounding Wetland #3 and along Unnamed Creek #2. A small corner of the cutblock cuts into the management zone.
3. Unnamed Creek #2 flowing south along the southeast side of the cutblock. None of this creek is actually in the cutblock, but the existing access road parallels it for some 200 m. and passes within 10 m. of it. This stream was classified as S3 and given a 20 m. RRZ plus a 20 m. RMZ. A small corner of the cutblock cuts into the RMZ and the existing road (one that needs upgrading work) crosses both the reserve and management zones.
4. Homesite Creek along the west side of the cutblock, classified as S2. None of this creek is actually in the cutblock, but the cutblock extends to within 40 m. of it. This stream was originally given a 20 m. reserve zone plus a 20 m. management zone, but after discussion, the entire zone was designated as a 50 m. RRZ. In addition, except along the northwest corner of the cutblock, Homesite Creek is buffered by a wildlife tree patch ranging from 10 m. to some 200 m. in width.

Wetlands and their protection provisions are specified in the silviculture prescription as follows:

1. Wetland #1 at the southwestern corner of the cutblock at the headwaters of Out-of-Site Creek. This swamp was classified as W4, given a 5 m. "no machine" zone inside a 30 m. RMZ, except where a spur road (Spur B) is to be constructed within the "no machine zone" for some 30 m. to pass between the wetland and a rock face to allow access to the southwestern portion of the cutblock.
2. Wetland #2 at the west side of the cutblock at the end of head of a spur road (Spur C). This wetland is very small (less than 0.1 ha.), but has a 5 m. RRZ all around it.
3. Wetland #3 at the east side of the cutblock. This swamp was classified as W2, given a 10 m. RRZ plus a 20 m. RMZ. Two small corners of the cutblock cut into the management zone.

As for streams, classifications for wetlands are provided by the Operational Planning Regulation. Section 74 sets size limits by biogeoclimatic zones and subzones. In the CDF and dry CWH zones, single wetlands can only be W1, W2 or W4, depending on wetland area. W1 wetlands are more than 5 ha; W2's are from 1-5 ha; W4's are from 0.5-1 ha.

Thus, the prescription identified one W2, one W4 and one smaller than W4 wetland. Section 75 of the Operational Planning Regulation specifies the minimum RRZs and RMZs to be set as RMAs for each class of wetland. W2's require a 10 m. reserve and 20 m. management zone for an RMA of 30 m. W4's also require a 30 m. RMA, but all of it can be made up of RMZ; there is no requirement for a reserve zone.

Did the approved silviculture prescription meet Code requirements for riparian zones and areas? The required and applied zones and areas of streams and wetlands are summarized as follows. The riparian areas where the legislated minimums were not used are highlighted by boxes:

AREA	RRZ Req'd	RRZ Appl'd	RMZ Req'd	RMZ Appl'd	RMA Req'd	RMA Appl'd

Out-of-Site Creek (S4)	0	0	30	30	30	30
Un-named Creek 1 (S3)	20	20	20	20	40	40
Un-named Creek 2 (S3)	20	20	20	20	40	40
Homesite Creek (S2)	30	*50*	20	*0**	50	50
Wetland #1 (W4)	0	0	30	30	30	30
Wetland #2 (n/a)	0	*5*	0	0	0	*5*
Wetland #3 (W2)	10	10	20	20	30	30

* RMZ included in expanded RRZ for Homesite Creek.

Homesite Creek and Wetland #2 received greater protection in the silviculture prescription than the minimum required. In other cases, the minimum protections were imposed. Specifically, the entire 50 m. RMA along Homesite Creek was designated as a reserve zone, almost double the minimum. The small wetland (#2), for which no RMA was required, was given a 5 m reserve.

Finding #7.
The approved silviculture prescription complied with and, on two riparian features, exceeded the riparian management area designations required by the Code.

Road upgrading

The silviculture prescription, at page 6, refers to plans to upgrade the pre-existing road that provides access to the cutblock area. This road, which passes through the 20 metre riparian reserve zone and the riparian management zone of "Unnamed Creek #2", is to be "upgraded to current Ministry of Forests standards under a road permit". The silviculture prescription provides that only trees that need to be harvested for road upgrading are to be cut. The section concerning approval of a designated environment official [a MELP employee] "applicable only when harvesting within RRZ" (page 6) has been left blank, indicating that no prior approval was sought.

The Code draws a clear distinction between road construction and cutting of timber associated with road construction. If road upgrading does not require any tree cutting, there is no requirement for approval by a designated environment official. Section 3(2) of the Forest Road Regulation states:

3. (2) A road must be located outside a riparian management area, except for crossings, unless in the opinion of the district manager,

> (a) no other practicable option exists, or
> (b) locating the road outside the riparian management area will create a higher risk of sediment delivery.

Road upgrading, presumably imposing less risk of environmental damage, would also be at the discretion of the district manager, without designated environment official input. However, if gravel or fill is to be taken from the riparian area for the road construction, there is a requirement to consult with a designated environment official, but not to obtain approval. Under s. 11(1)(l) of the Forest Road Regulation:

11. (1) A person who constructs or modifies a road under section 62 (1) of the Act must do all of the following when constructing or modifying the subgrade of the road:

> a. remove gravel or fill from riparian management areas identified in an operational plan only with the prior approval of the district manager who must not approve the removal without first consulting a designated environment official;

If trees need to be cut to upgrade the road, designated environment official approval will be required. Section 44 of the Operational Planning Regulation states:

> 44. For the purposes of section 39 (2) (h), a person must
>
> (a) only propose the removal or modification of selected trees or groups of trees from a riparian reserve zone if the removal or modification is necessary for

(i) recovery of trees that have been wind thrown or that have been damaged by fire, insects, disease or other causes,
(ii) sanitation treatments,
(iii) undertaking recreational facility management,
(iv) managing fisheries and wildlife values,
(v) reducing windthrow potential by topping or pruning,
(vi) full suspension yarding corridors,
(vii) removal of danger trees, or
(viii) any other similar activity, and

(b) obtain the approval of a designated environment official before proposing any operation referred to in paragraph (a) (i), (ii), (iv) or (viii).

Thus, trees can be removed from the riparian reserve zone only for specified purposes, and designated environment official approval is required for some of these. Section 44 does not specifically make reference to removal of trees for road upgrading. However, as the intent of section is to discourage unnecessary removal of trees in RRZs, the Board made the assumption that designated environment official approval would be required for removal of trees during road upgrading.

Finding #8.
If trees are to be removed for the purpose of road upgrading in the riparian reserve zone along Unnamed Creek #2, approval by the Ministry of Environment, Lands and Parks will be required.

c. Forest inventory

The complainant maintains that there are deficiencies in regard to forest inventory concerns; grand fir is under-represented and there is no indication of the forest cover types on adjacent land. In the terminology of the Code, the complainant asserts that the existing, or pre-harvest, stand structure is not accurately described, either in or adjacent to the cutblock.

The Operational Planning Regulation, in section 39(2), requires a description of the existing stand structure in only some silviculture prescriptions, not all. More specifically, whether such information needs to be included depends on the silvicultural system that is proposed for use.

Clause 39(2)(j) requires a description of the pre-harvest stand structure for single-tree selection systems; (k) requires it for group selection systems. Clause (l) requires such information as a default, for any silvicultural system that is not listed in earlier clauses. However, clause (i) deals specifically with even-aged silvicultural systems, including clearcutting. That clause requires a description of rotation age, timing of harvest and, if partial cutting is proposed, stand structure composition goals. Unlike clauses (j), (k) and (l), clause (i) does not require a description of the pre-harvest stand structure in a silviculture prescription. This presumably reflects the fact that the existing stand will be clearcut; there are no particular pre-harvest stand structures that are to be preserved.

Finding #9.
There is no Code requirement to describe the pre-harvest stand structure in a silviculture prescription if an even-aged stand, such as that which results from clearcutting, is the management objective.

The second sub-issue is whether the forest cover of adjacent land needs to be identified in a silviculture prescription. District staff claim it does not; they maintain that a forest development plan provides such

information.

A review of the Code requirements for content of silviculture prescriptions indicates that information on resource values that occur adjacent to the area under an silviculture prescription is required under the Operational Planning Regulation in only two clauses--sections 39(2)(w) and 39(3). The former requires information of non-timber forest resource values (wildlife, fisheries, water rights, recreational or visual values, cultural heritage resources); the latter requires information on streams and wetlands (discussed previously) and any "proposed group reserves, including wildlife trees". Thus, while non-timber resource-related forest cover of adjacent land must be identified in an silviculture prescription, timber resources (except for locations of group reserves and wildlife trees) do not need to be identified.

The map in the approved silviculture prescription (see Appendix 1) shows the extent of a large wildlife tree patch and several riparian reserve and management zones on adjacent areas outside the cutblock.

Finding #10.
There is no requirement to describe adjacent forest cover in a silviculture prescription, except where those forest cover values directly relate to non-timber forest resource values. The information provided on the map included in the silviculture prescription, coupled with larger-scale forest resources assessments provided in forest development plans, is adequate for compliance with the Code.

As described in the preceding discussion, the silviculture prescription includes the information required by the Code and meets Code requirements for site classification, stream and wetland identification and protection, and description of forest inventory on land adjacent to the cutblock.

Finding #11.
The approved silviculture prescription for TS A48267 complies with the requirements of the Act and Operational Planning Regulation and provides somewhat more protection for sensitive areas than the Code minimums.

B. Reasonableness of the District Manager's Decisions

TS A48267 is within the provincial forest (as defined by section 5 of the *Forest Act*). Harvesting is one of the land uses contemplated for land in the provincial forest. The block was shown on forest development plans that were available for public review and comment every summer since 1994. The document history shows that the district manager was aware, before August 1995, that the harvesting planned in TS A48267 was of concern to local residents. The district manager apparently decided that, as the silviculture prescription met Code requirements and as he had modified the prescription in response to public concerns related to Code requirements, timber harvesting could proceed. He then approved the prescription.

Having found that the silviculture prescription as approved provides all of the information required by the law as well as some additional protection for some streams and wetlands of concern to the complaint, the Board concludes that it was reasonable for the district manager to approve the prescription. There is no legal requirement that the general public agree with the prescription.

Finding #12.
It was reasonable for the district manager to decide to approve the silviculture prescription for TS

A48267 in the circumstances because it complied with the law and followed extensive public consultation and discussion.

Timing of timber sale

The complainant maintains that it was unreasonable for the district manager to advertise the timber sale when neither a silviculture prescription nor a logging plan had been approved. While it is logical for all operational plans to be approved before timber is offered up for sale, it does not necessarily follow that such a sequence is mandatory.

To a large extent, the process of advertising and awarding timber sales is beyond the jurisdiction of the Board to consider, as it falls under the *Forest Act* rather than the *Forest Practices Code of British Columbia Act*. However, if tendering the sale fettered or biased the district manager's decision to approve the silviculture prescription, that could make approval of the silviculture prescription unreasonable. Once a timber sale has been awarded by a district manager, it is complicated to cancel the sale; most cancellations require non-performance of obligations by licensees (see section 76 of the *Forest Act*). In the circumstances of this complaint, however, although the sale was advertised, bids collected and the successful bidder selected before the prescription was approved, there was no actual award of the timber sale until after the approval.

Finding #13.
The district manager advertised the timber sale, collected bids and chose the successful bidder before he had approved the silviculture prescription for TS A48267, but did not actually award the sale until after the prescription had been approved.

There is no evidence to suggest that tendering the timber predisposed the district manager toward approval of the silviculture prescription. Instead, it appears from a note to file and the chronology of events that prescription approval was originally planned to occur in early 1997. As a result, the tendering of the timber sale was scheduled to occur after that, on March 17. Unexpectedly, the silviculture prescription approval was delayed, presumably in response to concerns expressed by the complainant and by the Ministry of Environment, Lands and Parks, which on March 13 asked the district to confirm the site classification, as pockets of moist Coastal Douglas-fir, being a rare ecosystem, would be of concern to the ministry. Another site inspection by district staff was scheduled for March 18. The district manager would have had a choice at that point -- re-advertise and reschedule the timber sale to some later date or accept bids as scheduled. The district manager presumably chose the latter course of action. Although he accepted bids, he held off actually awarding the sale to the successful bidder until after the prescription was approved on April 27, 1997. The Board found no indication that the acceptance of bids and selection of the successful bidder biased the district manager's decision to approve the prescription.

Finding #14.
There were logical logistical reasons for the district manager to allow the tendering of the timber sale to proceed as planned despite a delay in silviculture prescription approval. There was no indication that continuing the tendering and bid review process predisposed the district manager to approve the prescription.

In any event, there is nothing in the Act or regulations to require approval of a silviculture prescription before a timber sale is tendered. It may be logical to first approve the prescription, but it is not required. This lack of a requirement for prior approval of operational plans reflects the fact that a sale award does

not actually authorize road construction or harvesting. No timber can be cut by the successful bidder until the required operational plans, including the silviculture prescription, have been approved, regardless of when the sale is awarded. Despite the advertising of the timber sale and collection of bids, no forest harvesting work was carried out on the site before the silviculture prescription was approved.

Finding #15.
Operational plans need not all be approved before timber can be offered for sale and sold. It was reasonable for the district manager to advertise the timber sale prior to approval of the silviculture prescription.

C. Fairness of the Approval Process

Even if the silviculture prescription complied with the Code and the approval was reasonable, the process of approving the prescription should be fair from the public perspective. Were the general public and the complainant informed reasonably in advance? Were public concerns fairly considered? Was the Ministry of Forests reasonably responsive to public concerns?

The public was informed of plans to harvest TS A48267 as early as June 1994, in the 1994-1998 forest development plan and open house public review sessions. The harvesting plans were confirmed in subsequent forest development plans in 1995, 1996 and 1997. The general public had ongoing notice of the district's plans under the Small Business Forest Enterprise Program. A representative of the public group Concerned Coast Residents, to which the complainant belongs, responded to the 1995-1999 forest development plan. The regional district planner provided comments and input as early as October 1995, and the regional district remained involved until the end of February 1997. Other residents in the immediate area of Halfmoon Bay were informed of plans for TS A48267 by November 1995. There was a presentation to the Halfmoon Bay Community Association in late 1995.

The complainant was informed of the harvesting plans by August 1995. District staff communicated with her at least seven times between February 1996 and May 1997. There appeared to be considerable efforts by district staff from August 1995 to April 1997 to ensure that the local public generally, and the complainant in particular, were fully informed of plans to harvest TS A48267. Nevertheless, local residents remained opposed. A petition in opposition, signed by some 700 people, was presented to the Sunshine Coast Forest District on March 17, 1997.

Finding #16.
There was considerable communication between Sunshine Coast Forest District staff and local residents, including the complainant, over a two- to three-year period about district plans to harvest the timber sale area. The affected public had reasonable advance notice of plans to harvest.

District staff responded to public concerns. Plans for harvesting the site were modified as early as February 1996 to move cutblock boundaries further back from Homesite Creek and a wetland, and to shorten a spur road. Wildlife tree patches were increased in size. The first draft silviculture prescription was significantly revised to correct an error in site classification and add RRZs to additional wetlands and streams. Approval of the final prescription was delayed to allow district staff to do one more field check to confirm disputed classifications of wetlands and streams.

Finding #17.
District staff responded to public concerns, making significant changes to cutblock boundaries, roads,

leave areas and wetland protection measures in response to public comments.

Despite the history of public review and comment on four successive forest development plans and the modifications made to the harvest plans and reserve areas, the complainant maintains that Ministry of Forests officials made assurances to the community which were not carried through. In particular, the complainant asserted that the community was told at a meeting on Dec. 6, 1995, that "there would be no sale until the silviculture prescription was approved", and that there would be at least one future community meeting to discuss further concerns. The investigator found no record of these promises by the district other than the complainant's statement but assumed that her recollection was accurate.

The Board found that these promises were kept. The silviculture prescription was approved on April 27, 1997, and the sale was not approved until May 12, 1997. With regard to subsequent meetings with local residents, district staff met on site with the complainant and her son on February 19, 1996, and considered changes which were subsequently implemented – increases to riparian reserves, increased wildlife tree patch designation and shortening of spur roads. A community meeting was held on October 21, 1996, after the public review and comment period for the 1996 forest development plan had concluded.

In an April 28, 1997 memorandum on the approval of the silviculture prescription, the district manager stated that the formal award of the timber sale would not take place until issues raised were addressed and the silviculture prescription was approved. He further promised to distribute copies of the silviculture prescription to all affected parties, including the complainant, so they could make inquiries about the silviculture prescription to district staff prior to the timber sale award. The district manager distributed copies of the silviculture prescription to parties as promised, but the timber sale was approved very shortly afterward, on May 12. This approval took place despite a May 2 letter to the district manager on behalf of the complainant that reiterated all the community concerns about the silviculture prescription.

These events since late 1995 suggest that community concerns about the silviculture prescription were addressed, but not resolved, prior to the timber sale award. The district manager had basically promised to continue communication about how the block should be harvested. The Board found no evidence that he had not done so. The complainant, however, wanted and anticipated discussion on a more basic issue -- whether to allow timber harvesting at all. There were indications, such as the petition delivered to the district manager on March 17, 1997, that many people in the local community had similar concerns.

Additional communication might have been advisable, but it had not been promised and was not required by the Code. It is unlikely that additional communication would have resolved the complainant's land use concerns; the district had decided to proceed with a timber sale and the complainant was opposed to forest harvesting in that area. The question, in terms of whether the silviculture prescription should or should not have been approved, was whether the prescription was adequate to protect environmental and recreational features of the site. Overall, the process of consultation with the public and of modification of the prescription, while not satisfactory to the complainant, was adequate in the circumstances.

Finding #18.
The modification and approval procedures used for the silviculture prescription for TS A48267 were adequate in the circumstances and generally fair.

Lack of public confidence in and confusion about planning processes

Although Sunshine Coast Forest District staff communicated with local residents over at least a four-year period and responded to their comments, the Board is concerned by the apparently high level of public confusion about, and lack of confidence in, forestry planning processes in this area of the Sunshine Coast. Some people in the community felt betrayed because they believed the Homesite Creek block was already a park or would be protected from timber harvesting. Such beliefs were based on earlier statements by past Ministry of Forests and Sunshine Coast Regional District officials. The regional district's 1990 Official Community Plan, which zones the Homesite Creek area as "resource rural", expresses support for initiatives such as the Small Business Forest Enterprise Program but also makes reference to acquisition of part of the Homesite Creek area, along the trail to the waterfall, for preservation of recreational values. It was also evident from the Board's investigation that some people felt that they did not have meaningful input in the process of preparing and approving the silviculture prescription.

The Forest Practices Code was developed following years of public conflict in B.C. about the management of provincial forest land. The Code was intended to increase public confidence in forest practices by ensuring sustainable management of timber and non-timber values. This is reflected in the statement of objectives in the preamble to the *Forest Practices Code of British Columbia Act*. Ministry of Forests staff face a difficult task in balancing diverse objectives and competing interests in a manner that is perceived to be fair. In the case of the Small Business Forest Enterprise Program, district managers are also responsible for preparing and approving operational plans and ensuring a steady flow of timber sales.

Public confusion about distinctions between land use and forestry planning, and about the planning responsibilities of different levels and agencies of government, can seriously hamper the forestry planning process. Land use planning, in its broader sense, is the responsibility of a number of agencies, including the Ministry of Forests. However, Cabinet alone has the authority to make final decisions about how provincial Crown lands are to be used—whether for timber harvesting or other resource uses, or for parkland. Operational forestry plans, including forest development plans and silviculture prescriptions, are not land use plans. These operational plans determine when and how timber harvesting will take place and what measures will be required to protect environmental and other non-timber values in areas proposed for harvesting. Members of the general public are often unaware of this distinction. For that reason, the first step in planning timber harvesting in controversial areas such as Homesite Creek should be to attempt to ensure public understanding of land use planning processes and the decisions resulting from those processes.

Public confusion about the role of local government in planning can further increase the level of misunderstanding during forestry planning processes. Local governments have no authority to make decisions regarding provincial Crown land, but they may make statements or pass resolutions regarding desired uses that reflect community opinion. In the process of preparing and approving operational plans, district managers are not bound by the direction taken by local government initiatives such as official community plans, but they need to be aware of and sensitive to such initiatives, especially in rural residential areas. This is an important consideration in ensuring that community concerns about non-timber values such as recreation and park uses are understood and addressed in the plans and that Code objectives are met.

To increase the efficiency of operational planning in areas that affect rural communities, it is important that forest district staff receive clear policy direction regarding communications with local government and consideration of official community plans. Accordingly, the Board suggests that the Ministry of Forests review current policies to ensure they effectively meet this need. This would be a useful step towards avoiding the type of misunderstanding that hampered the planning process at Homesite Creek.

The Board also believes that, to reduce the possibility of confusion and to improve the quality of forestry planning, Ministry of Forests staff should ensure that local governments and interest groups are kept informed about forthcoming forestry planning processes, including operational plans, that may affect them. The ministry should take a proactive approach to encouraging community participation in operational planning decisions.

Finally, the Board expresses the hope for improved communication and cooperation between provincial agencies, local government, local resource interest groups and residents in this area of the Sunshine Coast. This will help to resolve differences that exist and to reduce community tensions with regard to forestry planning.

Conclusions

During the course of the investigation, the Board examined in detail each of the specific complaints made regarding breaches of the Forest Practices Code in the preparation and approval of the silviculture prescription for Timber Sale A48267 at Homesite Creek.

The prescription contained all of the information required by the Act and regulations. The complainant's assertion that the information in the prescription contained important errors and omissions is found not to be correct. While the site is a complex mosaic of stand types, leading the complainant to reasonably question the biogeoclimatic ecosystem classification, the prescription correctly identified the overall site classification as coastal western hemlock, very dry maritime (CWHxm). Even if the complainant had been correct in her assertion that the site was the relatively scarce coastal Douglas-fir, moist maritime (CDFmm) type, there is no formal requirement for special protection of such sites during forest land use activities. The recommended post-harvesting prescriptions for forest management for CWHxm and CDFmm sites are virtually identical.

None of the streams and wetlands that the complainant says were omitted from the prescription are required by the Code to be classified. Therefore, it is not necessary to identify them in the prescription. The approved prescription complied with Code requirements for designation of riparian management areas and provided greater protection than required in the case of Homesite Creek and one of the identified wetlands.

The silviculture prescription provided for upgrading of an existing road that passes through a riparian reserve zone along an unnamed creek. If trees are to be removed during the upgrading of this road, approval by the Ministry of Environment, Lands and Parks will be required.

The complainant expressed concern that the prescription did not describe the pre-harvest stand structure. The Code does not require this information where an even-aged stand, such as that which results from clearcutting, is the management objective. Nor does the Code require a description of forest cover on adjacent stands where that information does not relate directly to non-timber resource values.

The prescription accurately provides all information required by the Code about known recreational values. It notes the presence of a trail to a waterfall on Homesite Creek adjacent to the cutblock. The prescription provides for protection of the trail and its scenic views with a riparian reserve zone wider than that required by the Code, together with a variable width wildlife patch.

The complainant contends that the timber sale should not have been advertised before a silviculture prescription and logging plan had been approved. However, the Code does not require approval of operational plans prior to tendering of a sale. In this case although the tendering process began before

the approval of the silviculture prescription, the actual approval preceded the awarding of the sale. There was no indication that continuing the tendering and bid review process predisposed the district manager to approve the prescription.

The Board concludes that the silviculture prescription complies with Code requirements and followed extensive public consultation and discussion. Under these circumstances, the district manager's decision to approve the prescription was reasonable. The affected public were provided with reasonable advance notice of harvesting plans, and district staff responded to public concerns with modifications to the prescription. The procedures for preparing and approving the prescription were adequate in the circumstances and generally fair. For these reasons, the Board finds the complaint to be not substantiated.

Although the Board concludes that the process leading to the approval of the silviculture prescription was generally fair, it is concerned about an evident lack of public confidence in forestry planning processes on the Sunshine Coast. In addition, there appears to be significant public confusion about the difference between land use planning and forestry planning and about the role of local government in land use planning. This confusion, which may have resulted in part from a reference in the regional district's official community plan to proposed acquisition of land along the trail to the Homesite Creek waterfall, exacerbated perceptions of unfair treatment and hampered communication about the silviculture prescription's treatment of non-timber values.

The Board believes that, when operational planning is scheduled for any rural residential area, forest district managers need to take proactive measures to inform local governments and interest groups of forthcoming plans likely to affect them, ensure a clear public understanding of land use planning processes and the decisions that result from them, and encourage community participation in operational planning. They should also be aware of and sensitive to local planning initiatives. For that reason, the government needs to ensure that there is clear policy direction to forest districts regarding communication with local governments, consideration of official community plans, and ensuring public understanding of land use planning responsibilities.

In the case of Homesite Creek, better communication between provincial agencies, local government, resource interest groups and residents is essential if tensions in the community are to be reduced.

Forest Practices Board

Appendices

1 Approved silviculture prescription, TS 48267

SILVICULTURE PRESCRIPTION - ORIGINAL

_____ FOREST DISTRICT
COASTAL
SU Format

AMENDMENT: No
Number: Not applicable Date Prepared: April 4, 1997

A. TENURE IDENTIFICATION

TENURE TYPE:	LICENCE NO:	CP:	BLOCK NO:	LICENSEE NAME:	TIMBER MARK:		AREA UNDER TENURE (ha):
TSL	TSL A48267		1	SBFEP	48267	Crown ☒ Private ☐	25.8

TENURE TYPE:	LICENCE NO:	CUTTING PERMIT	BLOCK NO:	LICENSEE NAME:	TIMBER MARK:	
TSL	TSL A48267		1	Ministry of Forests	48267	Crown ☒ Private ☐

TIMBER SUPPLY AREA/BLOCK:	OPENING NUMBER:	LOCATION:	COMMUNITY WATERSHED:
Sunshine Coast	92G - 061 - 206	Homesite Creek	YES ☐ NO ☒

LATITUDE:	LONGITUDE:	UTM
Deg Min	Deg Min	Zone 10 East 432300 North 5486500 NAD 27

SEED PLANNING ZONE:	RESPONSIBILITY (i.e., mof, licensee, etc.):	OPENING TYPE:	AIR PHOTO No's:	FIELD WORK BY:
Maritime	MOF	cutblock	30BCB94079 No. 134 / 135	Bill Lasuta/Zoltan Shafer

B. AREA SUMMARY

MAXIMUM PROPORTION OF TOTAL AREA UNDER PRESCRIPTION ALLOWED FOR PERMANENT ACCESS: 2.7 %

COMMENTS (i.e., permanent structures, including existing access, roads, landings, special stream crossing, etc.):
The area occupied by permanent access structures is detailed on the attached Site Degradation Worksheet.
This area comprises the mainline from landing ML1, including landing ML1, which will be used for access for silvicultural purposes and the waterline trail from Homesite Creek to District Lot 6845. There will be no deactivation or rehabilitation on the waterline trail. The mainline to landing ML1 will be deactivated to 4X4 access (culverts pulled, crossditched and waterbarred). Any further deactivation on permanent access roads will be a Forest Service responsibility.

AREA OF NO PLANNED REFORESTATION (ha) (NPR)

PERM. ACCESS	NP NAT	NC<4ha	TOTAL RESERVES	BMA / OTHER	TOTAL NPR AREA:
0.69ha	3.0ha	None	12.0ha(Approx)* Wildlife Tree Patches *outside of block	None	3.0ha

NET AREA TO BE REFORESTED (ha)

SU	SU AREA DESCRIPTION CWHam	NET AREA TO BE REFORESTED
A	Mosiac of mesic microsites within the integrity of the richer block unit (60% - 05/40% - 01)	12.2ha
B	Fresher site with a mosiac of richer microsites (50% - 05/50% - 07)	6.2ha
D	Hoechuck area (Same as SU A)	4.4ha
	TOTAL NET AREA TO BE REFORESTED:	22.8ha
	TOTAL AREA UNDER PRESCRIPTION: (Gross Area)	25.8ha

C. MANAGEMENT OBJECTIVES

C.1 CONSISTENCY WITH HIGHER LEVEL PLANS AND/OR FOREST DEVELOPMENT PLANS

NAME AND TERM OF APPLICABLE HIGHER LEVEL PLAN(s):

Not applicable

NAME AND TERM OF EXISTING OR PROPOSED FOREST DEVELOPMENT PLAN:

This prescription is consistent with approved 1996 SBFEP Forest Development Plan.

FS 711 C-1 SIL 96/03/27 FOPSPA

Forest Practices Board

Appendix 2.

Chronology of Events

The Board's investigation found the sequence of events leading to approval of the silviculture plan for Timber Sale A48267 to be as follows:

Jan. 12, 1965	District forester, Sunshine Coast Forest District, makes a written reference to "Secret Cove Park" south of the site of the complaint.
1972-94	According to the complainant, district managers and foresters from the Sunshine Coast Forest District assure her and other members of the community on several occasions that the Homesite Creek watershed is already parkland or will be protected, and Ministry of Forests staff assure regional district planners and directors that this area and all areas below Highway 101 will not be harvested because of the rarity and non-timber values of the land.
Summer 1992	Trail along Homesite Creek and waterfall just north of complaint site shown on recreational use map prepared by Ministry of Forests.
Apr 13, 1994	TS A48267 first identified in 1994 SBFEP forest development plan. Sent to Regional District.
June 6, 1994	Open House public review of 1994-1998 SBFEP forest development plan. TS A48267 indicated as planned for harvest in 1996.
Sept 27, 1994	SBFEP assistant does field assessment of TS A48267. Site identified as Coastal Douglas-fir, moist maritime variant.
May 1995	TS A48267 shown as involving two cutblocks in 1995-1999 SBFEP forest development plan.
June 26, 1995	Open House public review of 1995-1999 SBFEP forest development plan. TS A48267 still marked as planned for harvest in 1996.
July 12, 1995	Representative of Concerned Coast Residents responds with

	comments on the 1995-1999 forest development plan. General ecological planning basis concerns only.
Aug 17, 1995	SBFEP assistant discusses plans for TS A48267 with complainant's son.
Sept 20, 1995	Local resident expresses concerns about visual impacts, clearcutting, recreation and impacts on Homesite Creek to district staff in Sechelt office.
Oct 3, 1995	Regional district planner sends letter to Sunshine Coast Forest District SBFEP staff expressing concerns about biodiversity and need to conserve coastal Douglas-fir subzones.
Oct 24, 1995	Ministry of Forests district planner writes to Regional District Planner with general info on biodiversity objectives and how the district proposes to meet them.
Nov 15, 1995	Ministry advises local resident of current details of plans for harvest of TS A48267 in 1996.
Nov 23, 1995	Regional district planner expresses thanks to district staff for time taken to explain plans to harvest TS A48267.
Nov 27, 1995	District staff (SBFEP Forester and Assistant Planner) walk the timber sale area.
Dec 5, 1995	District staff tour TS A48267 with local resident to discuss concerns from September.
Dec 6, 1995	District staff make presentation to 40 local residents in Ratepayers' Association on SBFEP, the forest development plan approval process and the status of TS A48267. Complainant attends.
Dec 21, 1995	Draft silviculture prescription completed by contract forester. Site identified as Coastal Western Hemlock, submontane very wet subzone (CWHvm1).
Jan 8, 1996	Local resident indicates satisfaction with district staff efforts to explain plans to harvest TS A48267.
Jan 25, 1996	Interim timber retention requirements for biodiversity, by biogeoclimatic subzone, established by the Ministry of Forests and Ministry of Environment, Lands and Parks (MELP): 15% for CWHvm1, 16% for CDFmm.
Feb 19, 1996	SBFEP assistant meets with complainant and walks the timber sale area, discussing complainant's concerns.

Feb 26, 1996	SBFEP assistant and technician visit site to check classification of wetland at head of Out-of-Site Creek. They recommend changes, including moving block boundary farther back from Homesite Creek and back from a wetland above Out-of-Site Creek, shortening a spur road.
Mar 14, 1996	SBFEP assistant walks boundary of proposed sale.
Mar 25, 1996	Draft silviculture prescription sent back to contractor by district staff for modification and correction.
June 24, 1996	Open House public review of 1996-2000 SBFEP forest development plan. Complainant and regional district planner attend.
July 18, 1996	District recreation officer comments on recreational and landscape implications from 1996-2000 SBFEP forest development plan. "No concerns" regarding TS A48267.
Aug 15, 1996	MELP ecosystem specialist comments on wildlife habitat and biodiversity implications from 1996-2000 SBFEP forest development plan: Low-elevation old-growth forests are scarce and representative stands should be preserved;inoperable areas and other reserves will likely provide half of the required old growth;at the stand level, wildlife tree patches should be used. No concerns regarding TS A48267 so long as riparian management areas (along wetlands) and wildlife tree patches are required for retention as usual in the approved silviculture prescription. Some Douglas-fir veteran snags are desirable in any wildlife tree patches.
Aug 19, 1996	Complainant writes to district recreation officer asking that the timber sale be retained as a "natural forest" rather than being logged.
Sept 11, 1996	SBFEP forester writes to complainant noting her concerns but also noting that the harvest plans have been considerably modified to reflect local concerns.
Oct 21, 1996	District manager's file note concerning TS A48267 notes the following: Five letters received during public review and comment on the 1996-2000 forest development plan. All letters responded to. One public meeting held with local residents. Riparian reserve areas increased, wildlife tree patch extent increased, roads shortened.
Feb 19, 1997	Publication of public notice for review of 1997-2001 SBFEP forest development plan.

Feb 19, 1997	Local group writes to regional district expressing concern about forestry plans in the Homesite Creek area and asking local government to get actively involved in resource management.
Feb 27, 1997	Regional district area director writes to regional district chair asking the district to write to the Ministry of Forests asking it not to award TS A48267 and to consider bringing it into a greenbelt corridor.
Mar 11, 1997	Complainant asks district staff for copy of draft silviculture prescription.
Mar 12, 1997	Complainant and district staff discuss site classification, a special concern of MELP's Conservation Data Centre for CDF sites. Complainant requests cancellation of timber sale; refused by district.
Mar 13, 1997	MELP asks district to confirm site classification of TS A48267, as pockets of CDFmm, being a rare ecosystem, would be "of concern" to the ministry.
Mar 14, 1997	Complainant writes to district manager to protest that TS A48267 is on a CDFmm site and that that is still not reflected in the draft silviculture prescription. She also notes that the timber is not identified as "old growth".
Mar 14, 1997	Complaint filed with Forest Practices Board.
Mar 17, 1997	Sierra Legal Defence Fund writes to district manager on complainant's behalf , expressing concern that the draft silviculture prescription has misclassified the site and does not provide all the information required by the Operational Planning Regulation, ss. 36 and 39, missing 2 of 3 streams and possibly 1-2 wetlands. TS A48267 advertised; bids solicited by district manager.
Mar 17-21, 1997	Open House public review of 1997-2001 SBFEP forest development plan. A 700-person petition opposing the timber sale is presented to the district manager.
Mar 18, 1997	District staff carry out a field check of TS A48267 to confirm classification of wetland and streams.
April 14, 1997	Revised draft silviculture prescription received by district from consultant forester. Minor changes required by district.
April 22, 1997	Complainant faxes district requesting cancellation of timber sale.
April 24, 1997	Re-revised silviculture prescription received by district.

April 27, 1997	District manager approves silviculture prescription.
May 2, 1997	Sierra Legal Defence Fund writes to district manager on behalf of complainant, reiterating concerns that the approved silviculture prescription has misclassified the site and still does not provide all the information required by the Operational Planning Regulation, missing two small streams and allowing road construction in a riparian reserve area.
May 7, 1997	Board decides to investigate complaint.
May 12, 1997	District manager awards timber sale A48267 to successful bidder, a local contractor.
May 13, 1997	District manager responds to Sierra Legal Defence Fund concerns. Agrees that cutblock is a transitional mosaic, but lists reasons for using CWHxm site classification.
May 21, 1997	Field investigation of TS A48267 by Board complaint analyst, with complainant, regional district representative and two district staff.
May 22, 1997	Examination of district files by Board complaint analyst.
Sept 5, 1997	District manager approves Logging Plan for TS A48267.
Sept 15, 1997	Field investigation of TS A48267 to verify site classification - Board complaint analyst with foresters who classified site for silviculture prescription.
Jan 16, 1998	Contractor begins work on site, felling along spur road rights-of-way. Public protests at site.
Jan 23, 1998	A second field investigation of TS A48267 to verify site classification is carried out by the Board complaint analyst with an independent site classification expert and foresters who classified the site for silviculture prescription.